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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,186	10/23/2003	Tomas Roztocil	10316	8434

7590 06/01/2005  
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EXAMINER

CHAU, MINH H

ART UNIT PAPER NUMBER

2854

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Ex

<b>Office Action Summary</b>	Application No. 10/692,186	Applicant(s) ROZTOCIL ET AL.	
	Examiner Minh H. Chau	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 1-10, 27-30 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-17, 21-24, 31-35 and 37-39 is/are rejected.
- 7) ☒ Claim(s) 18-20, 25 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse of **claims 11-26 and 31-35** in the reply filed on 03/31/2005 is acknowledged. However, the Applicant do not provided any specific argument regarding the election/restrictions. Therefore, the requirement is still deemed proper and is therefore made FINAL. **Claims 1-10, 27-30 and new claim 36** are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 11-13, 21-23, 31-33 and 37-39** are rejected under 35 U.S.C. 102(e) as being anticipated by Roberts et al. (US # 6,746,930).

With respect to **claims 11, 21 and 31**, Roberts et al. teach a method and apparatus for printing a document with pages having different printing characteristics or attributes comprising generating an electronic document file (col. 6, lines 46-50) having data signals representative of sequential pages, wherein each page has at least one of

a selected number of printing attributes (col. 6, lines 8-18); providing data signals for each page representative of the printing attributes of the page (col. 7); providing a plurality of printers (110, 112) including at least one printer capable of printing pages with the selected printing attributes; without creating a new document, sending the attributed pages of the document to a printer capable of printing the printing attributes of the page (see Fig. 1 and cols. 6-7 of Roberts et al.)

With respect to **claims 12, 22 and 32** and the language "*means for asynchronously printing different pages of the document*" as recited in **claim 31**, see col. 7 of Roberts et al. that teach the control station (108) examine the characteristic or contents of each page and routing pages having different characteristic to different printer for printing, thus pages with different characteristic being format to meet the requirement of the selected printer. Therefore, pages with different characteristic is not printed as the same time or printed asynchronously.

With respect to **claims 13, 23 and 33**, see col. 7 of Roberts et al. that teach an apparatus and the method step of collating the pages having different attributes with each other into the same sequence of pages as found in the electronic document.

With respect to **claims 37-39**, see col. 6 of Roberts et al. that teach the printing attributes comprise at least one monochrome page and at least one colored page.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 14-17, 24, 34 and 35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. as applied to claims 11-13, 21-23, 31-33 and 37-39 above, and in view of Bhogal et al. (Pub. No. US 2003/0002069)

With respect to **claims 14, 24 and 34**, Roberts et al. teach a method and apparatus for printing a document with pages having different printing characteristics or attributes comprising storing a list of all available printers (col. 7, lines 47-53); selecting a subset of printers with required attributes from the list (col. 7, lines 53-55).

Roberts et al. teach all the limitation as explained above, except for the limitation of "displaying on a menu the selected subset of printers with required attributes".

Bhogal et al. teach a method and system for selecting a printer for printing a job comprising displaying on a menu the selected subset of printers with required attributes (see Fig. 5 and paragraphs [0040-0041] of Bhogal et al.)

In view of this teaching, it would have been obvious to one of skill in the art to modify the method and apparatus of Roberts et al. to include the method and system for selecting a printer for printing a job comprising displaying on a menu the selected subset of printers with required attributes as taught Bhogal et al. so that the user or operator can be easily determines the selected printers for printing.

With respect to **claims 15-17 and 35**, Roberts et al. teach a method and apparatus for printing a document with pages having different printing characteristics or

attributes comprising using a single selection action by an operator using the mouse, accepting a selection of one of the printers from an operator marking one or more pages to be printed on the selected printer (see col. 12, lines 47-67 and col. 20, lines 52-64 of Roberts et al.)

Roberts et al. teach all the limitation as explained above, except for the limitation of “displaying a selection menu containing entries for printers possessing desired attributes”

Bhogal et al. teach a method and system for selecting a printer for printing a job comprising displaying a selection menu containing entries for printers possessing desired attributes (see paragraphs [0037-0041] of Bhogal et al.)

In view of this teaching, it would have been obvious to one of skill in the art to modify the method and apparatus of Roberts et al. to include the method and system for selecting a printer for printing a job comprising displaying a selection menu containing entries for printers possessing desired attributes as taught by Bhogal et al. so that the operator can be easily recognize a list of selected printer for printing job through the displaying.

#### ***Allowable Subject Matter***

**6. Claims 18-20, 25 and 26** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

**Claims 18-20** have been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a method for printing a document with pages having different printing attributes including the steps of sending the attributed pages of the document to a printer capable of printing the printing attributes of the page further comprises accepting a selection of one of the classes of printers from an operator, marking one or more pages to be printed using the class of selected printers, using a single selection action by an operator, displaying a selection menu containing entries for printers in the class selected by the user; using a single selection action by an operator, accepting a selection of one of the printers from an operator, and marking one or more pages to be printed on the selected printer.

**Claims 25 and 26** have been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a method for publishing a document with pages having different presentation attributes including the steps of marking distinctly all pages for which no presentation is to be made and no output device is selected and suppressing the sending to an output device for all pages for which no presentation is to be made and no output device is selected.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Applicant's attention is invited to the patents to Barry et al. (US # 5,859,711), Kato (US # 5,978,557) and Robert et al. (US # 6,650,431).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh H. Chau whose telephone number is (571) 272-2156. The examiner can normally be reached on M - TH 9:30AM - 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHC  
May 29, 2005

  
**MINH CHAU**  
**PRIMARY EXAMINER**